

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN DOE,

Plaintiff(s),

v.

REVATURE LLC et al,

Defendant(s).

CASE NO. 2:22-cv-01399-TL

ORDER TO SHOW CAUSE

This matter is before the Court on the Court's own motion and the Court's October 3, 2022 minute order. Dkt. No. 3. For the reasons below, the Court ORDERS Plaintiff to SHOW CAUSE why his name should remain sealed.

I. BACKGROUND

Plaintiff "John Doe" brings this action against Revature LLC, his former employer, and various individuals associated with Revature, based on claims of employment discrimination arising under the equal protection clause of the Fourteenth Amendment, various federal statutes, and state law for libel or defamation. Dkt. No. 5 at 4. Plaintiff alleges that he was discriminated

1 against based on his disabilities, listed as schizoaffective disorder and “bipolar type,” including
2 by Defendants disclosing Plaintiff’s disability to his supervisor and co-workers, making jokes
3 containing sexual innuendo, failing to respond to or take any other action in response to his
4 complaints, and terminating his employment. *Id.* at 5–6. Plaintiff also vaguely alleges that
5 Defendants “began harassing [him],” created a “hostile and abusive work environment,” “made
6 at least 2 adverse training decisions,” and “threatened retaliation on at least 2 occasions,” among
7 other allegations. *Id.* Plaintiff seeks to recover for lost wages, “front pay” for a two-year
8 employment contract, emotional distress and “time spent pursuing legal remedies,” punitive
9 damages, damages based on libel or defamation, and costs and fees. *Id.* at 7. The EEOC issued a
10 notice declining to continue its investigation of Plaintiff’s allegations, making no determination
11 about its merits, and informing Plaintiff of his right to sue. Dkt. No. 6-1.

12 Plaintiff proceeds *pro se* (without legal representation). In support of his motion for leave
13 to proceed *in forma pauperis*, Plaintiff attached his proposed complaint, which names Plaintiff as
14 an anonymized “John Doe,” but Plaintiff’s motion for leave to proceed *in forma pauperis* and
15 other attached exhibits use Plaintiff’s full name. *See* Dkt. Nos. 1 to 1-5. On October 3, 2022, this
16 Court issued a text-only minute order noting this discrepancy, as well as that Plaintiff has not
17 stated whether he seeks to proceed on an anonymous basis, and directing the Clerk of the Court
18 to temporarily maintain all filings that mention Plaintiff’s name under seal, pending the
19 resolution of the *in forma pauperis* application and the appearance of Defendants. Dkt. No. 3.
20 Plaintiff was granted leave to proceed *in forma pauperis* afterward. Dkt. No. 4. Plaintiff has
21 registered to electronically file in this case. Dkt. No. 7. No Defendant has yet appeared in the
22 action.

II. DISCUSSION

Federal Rule of Civil Procedure 10(a) requires that a complaint “name all the parties.” This is no mere formality: A plaintiff’s “use of fictitious names runs afoul of the public’s common law right of access to judicial proceedings.” *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067, 1069 (9th Cir. 2000) (reversing district court’s denial of permission for plaintiffs to proceed anonymously). On the other hand, nondisclosure of a party’s identity may be necessary “to protect a person from harassment, injury, ridicule or personal embarrassment.” *Id.* at 1067–68 (quotation marks omitted) (quoting *United States v. Doe*, 655 F.2d 920, 922 n.1 (9th Cir. 1981)).

Therefore, a party may preserve his anonymity in a case only “in special circumstances when the party’s need for anonymity outweighs prejudice to the opposing party and the public’s interest in knowing the party’s identity.” *Id.* at 1068. If the party fears retaliation, a court must further evaluate: “(1) the severity of the threatened harm; (2) the reasonableness of the anonymous party’s fears; (3) the anonymous party’s vulnerability to such retaliation; . . . [(4)] the precise prejudice at each stage of the proceedings to the opposing party . . . [; and (5)] the public’s interest in the case” *Id.* (citations omitted); *see also Doe v. Kamehameha Schs./Bernice Pauahi Bishop Est.*, 596 F.3d 1036, 1042–43 (9th Cir. 2010) (affirming that the anonymous plaintiffs failed to show reasonable fear of severe harm).

Relatedly, there is a strong presumption of public access to court-filed documents. Local Civil Rule (“LCR”) 5(g); *accord Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). Therefore, a party must show “compelling reasons” to seal records related to “dispositive” motions, which for these purposes include the complaint and supporting materials. *See, e.g., Williams & Cochran, LLP v. Quechan Tribe of Fort Yuma Indian Rsrv.*, No. 17-cv-1436, 2017 WL 3600417, at *2 (S.D. Cal. Aug. 17, 2017) (“[T]he ‘compelling reasons’ standard

1 applies because the complaint initiates the civil action.”); *see also Kamakana*, 447 F.3d at 1180
2 (“Those who seek to maintain the secrecy of documents attached to dispositive motions must
3 meet the high threshold of showing that ‘compelling reasons’ support secrecy.”). Even if
4 compelling reasons are identified, a sealing order must be narrowly tailored. *Kamakana*, 447
5 F.3d at 1182.

6 Plaintiff has yet to provide any justification for keeping his name anonymous. Indeed, it
7 is unclear that he even intends to proceed on an anonymous basis, as he has filed papers with this
8 Court that reveal his full name. *See, e.g.*, Dkt. Nos. 6, 7. The Court must balance the strong
9 presumption in favor of public access to judicial proceedings, including the names of parties and
10 court filings in a given case, with the possibility of compelling reasons, such as the protection of
11 Plaintiff from harassment, ridicule, personal embarrassment, or other injuries, that might warrant
12 keeping Plaintiff’s name and related records under seal in this case. The Court also does not
13 know whether Defendants may suffer any prejudice as a result of keeping Plaintiff anonymous
14 and certain records sealed, nor whether Plaintiff—who appears to have been terminated from his
15 former employment with Revature—risks any fear of retaliation if he is named publicly.

16 Finally, the Court has an inherent interest in and power to manage its docket. *See, e.g., In*
17 *re Phenylpropanolamine Prods. Liab. Litig.*, 460 F.3d 1217, 1227 (9th Cir. 2006) (“District
18 courts have an inherent power to control their dockets.”). The Court seeks to resolve whether
19 Plaintiff will proceed on an anonymous basis or whether certain filings should remain sealed in
20 an efficient manner.

21 Accordingly, Plaintiff must inform the Court whether he intends to proceed
22 anonymously. If so, Plaintiff show why he should be permitted to proceed anonymously and why
23 his filings containing his real name should remain sealed. If Defendants appear after the Court’s
24 issuance of an order resolving this issue, *and* the order results in the continued anonymization of

1 Plaintiff or sealing of certain documents, Defendants may move to name Plaintiff or unseal any
2 or all of the documents.

3 **III. CONCLUSION**

4 Plaintiff is ORDERED to:

- 5 (1) Inform the Court **within five (5) days** of this Order whether or not he intends to
6 proceed anonymously.
- 7 (2) Absent a timely response or if Plaintiff informs the Court that he will *not* be
8 proceeding anonymously, all documents currently under seal shall be unsealed.
- 9 (3) If Plaintiff informs the Court that he *does* wish to proceed anonymously, Plaintiff
10 must also SHOW CAUSE why he should be permitted to proceed anonymously, and
11 whether and why any filing containing his name should remain sealed. Plaintiff's
12 response may not exceed **seven (7) pages**, including any attachments, and must be
13 filed **within fourteen (14) days** of this Order. Absent a timely response, the Court
14 will unseal all filings.

15 The Court also warns Plaintiff that, if he is granted continuing permission to proceed
16 anonymously, he will be required to follow Local Civil Rules 5(g) and 5.2 for any documents he
17 wishes to file under seal or redact. This includes filing a motion to seal a document. If Plaintiff
18 chooses to electronically file any papers that contain his real name rather than filing the papers
19 under seal, such filings may be publicly accessible for an indefinite period before they are sealed.

20 Dated this 13th day of October 2022.

21 

22 Tana Lin
23 United States District Judge
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